THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10040 of 2007

Dated: 26-06-2007

Between:

P.Venkatamuni.

..... PETITIONER

AND

The District Collector, Chittoor District, and another.

.....RESPONDENTS

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.10040 of 2007

ORDER:

The petitioner was allegedly granted DKT pata for an extent of Ac.0.50 in survey No.228/17 situated at Chennaiahgunta Village, Tirupati (Urban) Mandal, Chittoor District, in 1981. He erected a shed for poultry farm after obtaining a bank loan. Second respondent issued notice on 14.04.2007 in Form I under Rule 3 of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Rules, 2007 alleging that the petitioner transferred the land in contravention of Section 3(2) of the Andhra Pradesh Assigned Lands (Prohibition of Transfers) Act, 1977 (the Act, for brevity). The petitioner submitted explanation requesting to drop the action and contending that he had not transferred the land. The matter was not disposed of by second respondent and is pending. Alleging that there was threat of dispossession, the petitioner filed instant writ petition challenging the notice issued in Form I of the Act.

The learned counsel for the petitioner submits that the notice issued to the petitioner is defective. According to the learned counsel, if it is alleged that the assignee transferred the land in contravention of Section 3(2) of the Act, along with the notice in Form I to the assignee simultaneous notice should be given to the transferee in Form II and in the absence of such notice to the transferee, the notice issued to the assignee must be treated as not valid. The submission cannot be accepted for the reasons more than one.

A perusal of the notice issued in Form I would show that allegedly the petitioner transferred the assigned land. The petitioner does not dispute that he was allotted land by way of DKT patta. Therefore, the submission of the learned counsel for the petitioner cannot be accepted. Now that the petitioner has submitted explanation to second respondent, said officer shall consider the matter and pass appropriate orders, if not already passed, under Section 4 of the Act within a period of three weeks from the date of receipt of a copy of this order. It is need less to observe that till such orders are passed, the petitioner cannot be dispossessed.

The writ petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

26th June, 2007

ghn